

WASTE 2 RESOURCES ADVISORY COMMITTEE

** MEETING SUMMARY **

November 18, 2014, 9:30 a.m.

John Sherman, Committee Chair, called the meeting to order at 9:35 a.m. and introductions were made. He asked for a motion to approve the September 16, 2014 meeting notes. Suellen Mele asked to revise Page 2, last paragraph, second sentence to “. . . *and how much collectors are paid is confidential.*” There was a motion to adopt the meeting notes as amended. The motion was seconded and the notes were approved.

Illegal Dumping Fines – John Sherman

Contact: 253-798-6528; jsherman@tpchd.org

John reported that he has talked to nine JHDs so far. None are writing tickets for civil infractions for illegal dumping. Reasons include administrative challenges and format (electronic vs. written tickets). Under 70.95, infractions vary (civil, misdemeanor, gross misdemeanor). Tickets for infractions for one cubic foot or less can be issued in the field, just like traffic violations. John has issued about 50-60 per year.

John said the interest of local health departments he has talked to so far is minimal. He is still waiting for feedback from other counties and will send a summary to Susanne McLemore at a later date.

Cal Palmer asked if there is data on the increase in illegal dumping with higher tipping fees. John said his department hasn't noted that, but it could be they aren't notified.

Exempt Facilities – Wayne Krafft

Contact: 509-329-3438; wayne.krafft@ecy.wa.gov

Wayne explained that under 173-304, we exempted facilities, but there no standards for them, e.g. piles of wood waste and small, inert waste landfills. 70.95 was changed to allow options by rule to exempt low-risk facilities not in need of oversight. We can permit landfills and other solid waste facilities that do need oversight. We have the ability to enforce (write orders and penalties).

Under the current rule, exempt facilities include agricultural waste; recycling facilities, e.g. pulp, steel, and aluminum mills; composting (range of exemptions by feedstock and size); energy recovery facilities; MRFs; piles of wood waste; agricultural waste stored on farms; inert waste piles; MRW (mobile system collection events); limited MRW (used oil/antifreeze); and inert waste landfills under 250 cubic yards.

Current requirements include performance standards, reporting, recordkeeping, etc. Wayne said that as we move forward with the rule revision, we want input on exempt facilities that are problematic. Note we aren't addressing organics facilities at this time.

Dean Large asked what tools health departments need to help with their oversight and enforcement activities. It becomes an argument between if conditions are met and needing a permit.

John Sherman asked how many exempt facilities there are in the state. Wayne will check, and to clarify, for some such as compost piles, we wouldn't have information because notification isn't required.

Art Starry said Thurston County's rules are more restrictive. They require recycling facilities to get a permit. The tougher thing is getting the on-the-ground performance to match up with the documentation. Oversight is a challenge.

Janet Brower said in Kitsap County, they require more oversight. They only inspect once a year due to staff and funding limitations. They do initial and annual inspections and charge an inspection fee. Kitsap County has 30-40 exempt facilities including a fair amount of wood waste piles (for mulch), scrap metal processing, aluminum can collections, and sand and gravel operations (the markets aren't there and they tend to accumulate).

Sego Jackson said that in Snohomish County there have been problems with mixed materials facilities (C&D) claiming they're doing mixed activities (recycling), but most of it goes to disposal.

In Pierce County, Andy Comstock said that 70.95 allows JHDs to charge fees for permits, but it is silent on exempt facilities. Tacoma Pierce Board of Health has an initial review fee, Thurston County has a permit fee, and Kitsap County has an inspection fee.

Andy said Notices of Intent are very general. They don't get good upfront review, and there is no formal structure for ongoing oversight. This results in reactive enforcement. Andy thinks there is a place for exemptions, but we need to evaluate the scope, perhaps by size. Laurie Davies asked him if there is a waste stream that's more problematic. Andy said in Kitsap County, it's wood waste. Calculating waste is impossible to measure. Annual reports don't have a beginning and ending point.

Andy said more oversight is needed on traditional dirty MRFs, C&D processing operations, and metal recyclers (smaller ones – a lot of them operate outside the law with respect to DOL requirements taking on precious metals and stolen property, and mismanaging refrigerators).

Janet Brower noted that smaller operations don't understand solid waste rules. They require a lot of help.

Wayne Krafft said that in the Eastern Region there are issues with materials recovery facilities taking in all kinds of stuff, auto parts stores that collect antifreeze, etc. The recycling exemption under -350 doesn't address the types of materials we are dealing with today. Agricultural waste is also a big consideration.

Laurie asked if it's about size, e.g. wood waste or residential vs. commercial. John Sherman said the latter.

Dean Large said we need a broader funding base to address the issues.

Suellen Mele said that since funding isn't addressed in the law, it's hard to take that step at the local level. Is it feasible to look at that in the rules or would we have to open up the law?

Wayne said if we charge fees we have to address it in the law. John Sherman said in statute it says the Department "may exempt." It leaves Ecology to clarify whether a permit is or is not required. Suellen asked if there could be multiple levels (classes) of permits. She also asked how the -350 workgroups are coordinating on this issue. Laurie Davies said each stakeholder group has a lead. The leads coordinate through Kyle Dorsey and Wayne Krafft through regular updates. They review all draft rule language.

Sego Jackson asked about CPG funds for enforcement. Is there any tool to increase the amount to review and enforce exempt facilities, or can other CPG funds be used? Dawn Marie Maurer said that King County got offset CPG funds to inspect exempt facilities.

Laurie Davies said she is committed to addressing exempt facility issues through the -350 rule update.

Rules Update – Kyle Dorsey

Contact: 360-407-6559; kyle.dorsey@ecv.wa.gov

Kyle gave the Committee a general overview of W2R's overall rule development activities. See the handout posted on the W2RAC website. He talked about the Legislature's review of the rules process. We need to do a better job of managing our rules (in a regular process rather than in response to issues as they arise).

Comments Received on State Plan - Janine Bogar

Contact: 360-407-6654; janine.bogar@ecv.wa.gov

Janine gave a PowerPoint presentation on comments received on the State Plan and how we're now incorporating them into the second draft. See Janine's presentation posted on the W2RAC website.

Sego Jackson asked if all of the multicultural and multilingual efforts are included under environmental justice. Janine said goals and actions for those efforts are addressed in multiple places in the plan.

Janine said after further edits and management review, the plan will go out to the public for comments in January.

John asked about collaboration on the State Plan among Ecology programs. Janine said we collaborate with the Hazardous Waste and Toxics Reduction Program, and details of the State Plan are shared within the agency.

Suellen Mele commended Janine for the great job she is doing. She appreciates the multiple review options.

Agenda Items for Future Meetings

- Update on Junk in Compost – TBD
- 1-800-Recycle Hotline Changes – TBD

Meeting adjourned at 11:40 a.m.

Submitted by: Susanne McLemore